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OFFICE OF PETITIONS

In re Application of :
Gaspard, et al. : DECISION ON PETITION
Application No. 10/029,123 :
Filed: December 19, 2001 :
Docket No.: 1400.1374880 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 25, 2006.

This application was held abandoned for failure to timely submit a proper reply to the non-final Office action mailed September 7, 2005. Notice of Abandonment was mailed March 20, 2006.

Petitioners assert that a response to the non-final Office action and a petition for extension of time were timely submitted on March 13, 2006 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated March 13, 2006 acknowledging receipt of the reply.


The original response was received March 13, 2006 has been located in the application file. The response bears a certificate of mailing date of March 7, 2006 in accordance with 37 CFR 1.8 and is thus deemed to have been timely submitted.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center 2600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
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